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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

Application No. 10/099,649
Filing Date March 15, 2002
First Named Inventor McDonald et al.
Art Unit 2828
Examiner Name Jackson, Cornelius H.
Attorney Docket No. 42P14868X

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See instruction sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. § 1.114** – Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

iii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply

08/18/2004 CCHAU1 00000152 10099649

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☒ Information Disclosure Statement (IDS)

01 FC:1801

770.00 OP

iv. ☐ Other

02 FC:1202

108.00 OP

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months. Fee under 37 C.F.R. § 1.17(i) required)

b. ☐ Other _____

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by C.F.R. § 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 02-2666

i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)

ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)

iii. ☐ Processing fee under 37 CFR § 1.17(i) for Limited Suspension of Action

iv. ☐ Other _____

b. ☒ Check in the amount of \$ 770.00 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type) Anthony H. Azure

Registration No. (Attorney/Agent) 52,580

Signature *A. H. Azure*

Date Aug. 16, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Name (Print/Type) Yuko Tanaka

Signature *Y. Tanaka*

Date August 16, 2004

Express Mail No. (only if applicable): _____

Patent

FIRST CLASS CERTIFICATE OF MAILING

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August 16, 2004
Date Mailed

Yuko Tanaka
Name

Signature _____

Date _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

McDonald et al.

Serial No. 10/099,649

Filed: March 15, 2002

For: TUNABLE EXTERNAL CAVITY
LASER

Examiner: Jackson, Cornelius

Art Unit: 2828

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

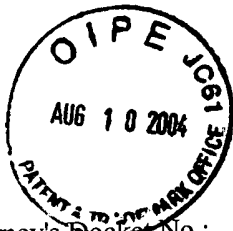
AMENDMENT AND RESPONSE

Sir:

A notice of allowance in the above-identified application was mailed on May 14, 2004. The Applicant requests the Examiner to enter the following amendments and to consider the following remarks. This Amendment and Response is provided as a submission required under 37 C.F.R. § 1.114 for a request for continued examination (RCE) filed herewith.

42P14868X
Serial No. 10/099,649
RCE Submission

Examiner: Jackson, C.
Art Unit: 2828



Attorney's Docket No.: 42P14868X Patent

In re the Application of: McDonald et al.
(inventor(s))

Application No.: 10/099,649

Filed: March 15, 2002

For: TUNABLE EXTERNAL CAVITY LASER
(title)

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR: Transmitted herewith is an **Amendment and Response** for the above application.

- _____ Small entity status of this application under 37 C.F.R. §§ 1.9 and 1.27 has been established by a verified statement previously submitted.
- _____ A verified statement to establish small entity status under 37 C.F.R. §§ 1.9 and 1.27 is enclosed.
- _____ No additional fee is required.

The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	Claims Remaining After Amd.		Highest No. Previously Paid For	Present Extra	Rate	Additional Fee	Rate	Additional Fee
Total Claims	* 62	Minus	** 56	6	X9	\$	X18	\$ 108.00
Indep. Claims	* 5	Minus	*** 6	0	X43	\$	X86	\$ 0
First Presentation of Multiple Dependent Claim(s)					+145	\$	+290	\$
					Total Add. Fee	\$	Total Add. Fee	\$ 108.00

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest No. Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

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on August 16, 2004
Date of Deposit

Yuko Tanaka
Name of Person Mailing Correspondence

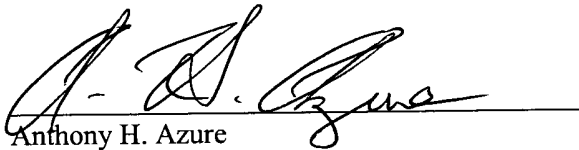
Y. Tanaka
Signature

August 16, 2004
Date

- ☒ A check in the amount of \$ 108.00 is attached for presentation of additional claim(s).
Applicant(s) hereby Petition(s) for an Extension of Time of _____ month(s) pursuant to
37 C.F.R. § 1.136(a).
- ☒ A check for \$ 770.00 is attached for RCE processing fees under 37 C.F.R. § 1.17(e).
Please charge my Deposit Account No. 02-2666 the amount of \$ _____.
A duplicate copy of this sheet is enclosed.
- ☒ The Commissioner of Patents and Trademarks is hereby authorized to charge payment of the
following fees associated with this communication or credit any overpayment to Deposit
Account No. 02-2666 (a duplicate copy of this sheet is enclosed):
- ☒ Any additional filing fees required under 37 C.F.R. § 1.16 for presentation of extra
claims.
- ☒ Any extension or petition fees under 37 C.F.R. § 1.17.

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date: Aug. 16, 2004


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